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January 13, 2020

Via Email to: Garfield.goodrum@gdrmlaw.net

Garfield Goodrum
Garfield Goodrum, *Design Law*
90 Canal Street, 4th floor
Boston, MA 02114

Re: Emerson Creek Pottery, Inc. v. Countryview Pottery Co., et al.
Opposition No. 91244057
Our File No.: 673/992

Dear Mr. Goodrum:

I am writing in response to your December 6, 2019 requests, reproduced below. Please allow this to supplement previously served discovery responses. All responses are made based on my clients' reasonable efforts to locate documents responsive to the requests.

1. Annual gross sales for all giftshop goods (broken down by month if available) or written verification that such sales are the same as the gross sales designated on "line 1a" of Countryview Pottery Co.'s 2013 through 2018 Federal Tax Returns previously produced as ECE 265-270.

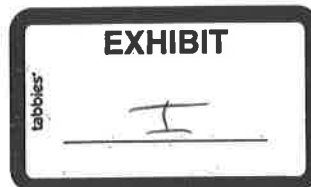
RESPONSE: Gross sales of all giftshop goods for 2016-2018 are set forth on the reports previously produced as ECE 252-254. A similar breakdown for giftshop goods for 2013-2015 is not available but the sales are included though not the total number in "line 1a" of Countryview Pottery Co.'s 2013-2015 Federal Tax Returns previously produced as ECE 265-267. See also responses to no. 2, 3, and 4 below, which breaks down pottery goods sales for 2013-2019.

2. Annual gross sales and quantity of units sold for all pottery goods since 2013 (broken down by month if available).

RESPONSE: See ECE 271-362.

3. Annual gross sales and quantity of units sold for all Emerson Creek Pottery, Inc. pottery goods since 2013 (broken down by month if available).

RESPONSE: See ECE 271-345.



4. Annual gross sales and quantity of units sold for all third-party pottery goods since 2013 (broken down by month if available).

RESPONSE: See ECE 346-357 (Mud Pie); ECE 358-362 (Signature Housewares).

5. Identification of all your clients' third-party suppliers, vendors, sources or the like for pottery goods, as well as catalogs, advertisements, marketing, trade show attendance and materials, *etc.*

RESPONSE: Third-party suppliers for goods: Emerson Creek Pottery, Inc., Mud Pie, and Signature Housewares. Other referenced vendor information has been previously produced.

6. Any additional materials concerning your clients' historical use of **EMERSON CREEK** (with or without other wording), including past employee handbooks, menus, signage (internal or external), advertisements, marketing pieces (including email), cookbooks and the like, or written verification that your clients have used best reasonable efforts to produce all requested materials concerning same and that none exist.

RESPONSE: Countryview and Emerson Creek Events objects to production of employee handbooks as irrelevant and not reasonably calculated to lead to discoverable evidence. Without waiving said objection, none other than previously produced.

7. Any additional materials concerning Ron Wehrli, including email to, from or copying him, employment contracts or writings, terms sheets, businessplans, articles of incorporation, *etc.*, or written verification that your clients have used best reasonable efforts to produce all requested materials concerning same and that none exist.

RESPONSE: None.

8. Any additional materials concerning the relationship, agreement and/or understanding of the parties with respect to the use of **EMERSON CREEK** (with or without other wording) or written verification that your clients have used best reasonable efforts to produce all requested materials concerning same and that none exist.

RESPONSE: None other than previously produced.

9. Any additional materials concerning any instances of actual confusion by any third party with respect to the parties hereto as to any good or service or written verification that your clients have used best reasonable efforts to produce all requested materials concerning same and that none exist.

RESPONSE: None.

10. Any additional materials concerning any comments or complaints by any third party with respect to the provision or quality of any good or service offered by your clients or written

verification that your clients have used best reasonable; efforts to produce all requested materials concerning same and that none exist.

RESPONSE: None.

11. Any additional materials concerning your clients' marketing activities, including any correspondence with service providers or consultants or notes regarding same, or written verification that your clients have used best reasonable; and efforts to produce all requested materials concerning same and that none exist.


RESPONSE: None other than previously produced.

12. Any additional materials concerning previous versions of your clients' website and changes to the content thereof or written verification that your clients have used best reasonable efforts to produce all requested materials concerning same and that none exist.

RESPONSE: No archival or previous versions of said website or changes exist, as the web designer does not preserve same. Portions of earlier versions may be contained in previously produced materials.

Very truly yours,

LAW OFFICES OF McLAUGHLIN & ASSOCIATES, P.C.



Kenneth S. McLaughlin, Jr.

KSM/pm

Attachments (ECE 271-362 ATTYEYESONLY)